

operative measures to implement the provisions of article 12 of the Convention in order to prevent the diversion of precursor and essential chemicals to the illicit manufacture of narcotic drugs and psychotropic substances,

*Noting* the effective work of the Chemical Action Task Force, established by the heads of State or Government of the seven major industrialized countries and the President of the Commission of the European Communities, with the participation of representatives of concerned developing countries and other countries, and its practical recommendations for preventing the diversion of precursor and essential chemicals, which build upon the provisions of the Convention,

*Noting also* the need for the provision of financial, technical and material assistance, including training, to assist Governments in implementing chemical control regimes,

*Commending* the international cooperation which has resulted from the work of the various international, regional and subregional groups and organizations dealing with issues relating to the control of precursors and essential chemicals,

*Noting with approval* the dissemination by the United Nations International Drug Control Programme of guidelines for use by national authorities in verifying the authenticity of applications for the export and import of precursor and essential chemicals, identifying suspicious transactions and preventing their diversion to the illicit manufacture of narcotic drugs and psychotropic substances,

*Noting* the good progress made by the Programme, the International Criminal Police Organization and the Customs Cooperation Council in the establishment of mechanisms for sharing information held in their databases,

*Noting* that in the report of the International Narcotics Control Board for 1992,<sup>107</sup> it was stressed that the effectiveness of an international network of databases would depend entirely on the data provided to them by Governments,

*Commending* the effective work of the Programme in developing and deploying a field testing kit incorporating safe methods of testing and identifying designated chemicals,

*Acknowledging* the central role of the International Narcotics Control Board and the Programme in the implementation of international chemical control regimes, as well as the intention expressed by the Board and the Programme to strengthen their efforts to promote implementation of articles 12, 13 and 22 of the Convention,

1. *Calls upon* all Governments, which were invited by the Economic and Social Council, in its resolution 1992/29, to establish effective measures to implement article 12 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, to take fully into consideration the recommendations contained in the final report of the Chemical Action Task Force;

2. *Requests* the International Narcotics Control Board, in the course of monitoring the implementation of articles 12 and 13 of the Convention, to assist in identifying new diversion techniques, new chemicals that should be regulated and changes that may be required to counter new illicit methods of using chemicals;

3. *Calls upon* Governments to submit promptly to the Board all information required under article 12, paragraph 12, of the Convention;

4. *Urges* Governments that have not already done so to contribute the information necessary for the Board to prepare a directory of administrative and law enforcement authorities and a summary of regulatory controls, in accordance with Council resolution 1992/29;

5. *Requests* the United Nations International Drug Control Programme, drawing on voluntary contributions, to provide financial, technical and material assistance, including training, and to coordinate assistance that international and regional organizations or Governments may provide, in the implementation of chemical control regimes;

6. *Urges* Governments to support training and assistance activities by the Programme, and to coordinate bilateral assistance through the Programme in order to prevent duplication;

7. *Calls upon* Governments to contribute fully to and utilize the databases that are being established to prevent the diversion of chemicals, subject to their domestic law;

8. *Requests* the Customs Cooperation Council, the International Criminal Police Organization, the International Narcotics Control Board and appropriate regional organizations to prepare a memorandum of understanding regarding the exchange of information between their databases;

9. *Urges* Governments to consider fully and, where appropriate, to apply the guidelines disseminated by the Programme, which have been prepared for use by national authorities in preventing the diversion of precursor and essential chemicals;

10. *Requests* the Secretary-General to allocate adequate funds, within existing resources, to enable the Board to discharge its functions under articles 12, 13 and 22 of the Convention, and in accordance with Council resolution 1992/29 and the present resolution;

11. *Calls upon* Governments to provide voluntary resources to enable the Programme to increase technical cooperation and assistance in implementing chemical control measures.

43rd plenary meeting  
27 July 1993

**1993/41. Promoting the use of memoranda of understanding to facilitate cooperation between customs authorities and other competent administrations and the international trading community, including commercial carriers**

*The Economic and Social Council,*

*Deeply concerned* about the unlawful use of commercial carriers for the illicit traffic in narcotic drugs and psychotropic substances and in precursor and essential chemicals, as specified in Tables I and II of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,<sup>111</sup> as well as other substances frequently used in the illicit manufacture of drugs,

*Recalling* that article 15 of the Convention provides that parties to the Convention shall take appropriate measures to ensure that means of transport operated by commercial carriers are not used for illicit trafficking, and that each Party shall require commercial carriers to take reasonable precautions to prevent the use of their means of transport for the purpose of illicit trafficking,

*Recognizing* the need constantly to improve the capacity of law enforcement agencies to target and intercept illicit drug trafficking, without hindering the free movement of innocent persons and legitimate international trade,

*Welcoming* the Declaration on the Further National Development of Memoranda of Understanding between Customs and the Trading Community aimed at Cooperation to prevent Drug Smuggling, which was adopted by the Customs Cooperation Council at Brussels in June 1992, and which recognizes and supports the principle of achieving cooperation between customs and other competent authorities and the international trading community, including commercial carriers, through memoranda of understanding,

*Recognizing* the significance of the use of memoranda of understanding concluded between the Customs Cooperation Council and international trade and transport organizations for the improvement of cooperation to combat illicit trafficking,

*Convinced* that such an international initiative needs to be enhanced by agreements at the national level, where the joint development and implementation of cooperative agreements can be most effective,

*Believing* that manufacturers, traders, shippers, carriers, port and airport authorities and others involved in the international supply chain can significantly cooperate with customs and other competent authorities in the gathering of information for risk assessment and targeting purposes,

*Believing also* that such a partnership should lead to the improvement of physical security, the streamlined clearance of persons and goods and the specialized training of both official and trade personnel,

*Recognizing* that the cooperation arising from memoranda of understanding may facilitate the use of controlled delivery, to the extent permitted by the basic principles and legal systems of the parties concerned,

*Noting* that a number of States have already implemented memoranda of understanding at national and local levels,

*Convinced* of the urgent need to accelerate the process of concluding memoranda of understanding,

1. *Urges* all States which have not already done so to implement fully article 15 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, by taking appropriate measures to prevent the use of commercial means of transport for illicit traffic;

2. *Commends* the Customs Cooperation Council for the progress that it has made in developing the programme of memoranda of understanding, and for the memoranda that it has already concluded with major transport and trading organizations;

3. *Commends also* those Governments which have introduced national programmes of memoranda of understanding, and invites them to share their experiences with other Governments within regional drug cooperation groups and with the Customs Cooperation Council, the United Nations International Drug Control Programme and other appropriate international bodies;

4. *Invites* the Programme, in consultation with the Customs Cooperation Council and other appropriate international bodies, to monitor the effectiveness of programmes

of memoranda of understanding developed at the national, regional and international levels in combating illicit traffic;

5. *Also invites* the Programme to promulgate details of memoranda of understanding or measures which have been taken at the international or regional level to implement article 15 of the Convention, and which have been particularly effective;

6. *Requests* the Secretary-General to draw up model texts to assist those countries which require legislation in order to cooperate in controlled deliveries;

7. *Also requests* the Secretary-General to transmit the present resolution to all Governments for consideration and implementation as appropriate;

8. *Further requests* the Secretary-General to report to the Commission on Narcotic Drugs, at its thirty-eighth session, on the progress made in the implementation of the present resolution.

43rd plenary meeting  
27 July 1993

#### 1993/42. Measures to assist in the implementation of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988

*The Economic and Social Council,*

*Recalling* that the *Commentary on the Single Convention on Narcotic Drugs of 1961*,<sup>12</sup> the *Commentary on the Protocol Amending the Single Convention on Narcotic Drugs, 1961*<sup>13</sup> and the *Commentary on the Convention on Psychotropic Substances*<sup>14</sup> were of considerable value to a number of Governments as a guide in framing legislative and administrative measures for the application of those Conventions in their territories,

*Bearing in mind* that the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988<sup>11</sup> is a comprehensive document embracing many and varied aspects of combating illicit trafficking in and demand for narcotic drugs and psychotropic substances,

*Noting* the continuing calls on States that have not already done so to ratify or accede to the 1988 Convention and, to the widest possible extent, to apply its provisions on an interim basis, pending its entry into force for each of them,

*Convinced* of the great need for and the value of a uniform interpretation and application of the 1988 Convention,

*Requests* the Secretary-General, within existing regular budgetary resources, to prepare a commentary on the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, drawing upon the official records of the Conference for the adoption of the Convention<sup>15</sup> and other relevant materials that may be of assistance to States in their interpretation and effective implementation of the Convention.

43rd plenary meeting  
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